

REMARKS

This is in response to the official action dated October 24, 2003.
Reconsideration in view of the following is respectfully requested.

The final rejection is improper, and accordingly, **it is requested that the finality of the rejection be withdrawn**. A final rejection is proper only if an amendment necessitates a new basis of rejection. In this case, the examiner states that applicant's definition of 'between' necessitated the rejection. However, this is not an amendment made in the previous action. Rather, applicant simply provided a clarification requested by the examiner. Yet, this term has been in the claim all along. Examiner could have made this request for clarification earlier. It is not seen how applicant's action 'necessitated' the rejection.

The examiner withdrew the previous rejection, and issues a new rejection based on new art. The only reason for the new rejection is that examiner withdrew the prior rejection in view of applicant's arguments. This is not a basis for a final rejection. Accordingly, the finality of the rejection should be withdrawn.

Claim 12 is amended to correct a typographical error.

Claims 9-14 are rejected as being anticipated by Doi (US 4919402). It is noted that the examiner has already cited another Doi reference (US 5052662). The rejection over Doi '662 was withdrawn. It is noted that the drawbacks of the Doi arrangement were already discussed in the response filed June 27, 2003, where it was shown that Doi is not able to provide a springing function without a damping function.

The examiner refers to fig. 2 of Doi 402, which is a 'model', i.e. a schematic diagram showing the system defined by instant embodiment (col. 4, lines 57-58). A schematic model is a simplified diagram showing a special aspect of the device.

However, this is not the device itself. The examiner appears to be relying on Fig. 2 on its own, apart from the disclosure as a whole. This is improper. The teaching of Fig. 2 can not be read except in connection with the actual device shown in Figure 1. When this is done, it is clear that Doi does not anticipate the claims.

In Doi's device, the damping effect of the elastomeric bodies used as 'springs' is not illustrated; but it is clearly described in the specification: "the elastomeric body acts as a *spring*" (col. 2, line 19). The skilled person will recognize that the elastomeric body is *not a spring*, i.e. may act like a spring, but does not necessarily have all of the attributes of a true spring (springing function). The 'springs' $K_E K_O$ are elastomeric bodies which comprise an inherent damping function. Accordingly, Fig. 2 does not describe or anticipate the claimed spring/mass force coupler which can couple masses without any damping function. Therefore it can not anticipate and the rejection should be withdrawn.

Wherefore:

- (1) The finality of the rejection should be withdrawn; and
- (2) The rejection itself should be withdrawn in view of the above comments, and the application should proceed to allowance.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.

Bruce S. Londa (33,531)

Attorney for Applicant

Norris McLaughlin & Marcus P.A.

220 East 42nd Street, 30th Floor

New York, N.Y. 10017

Telephone: (212)808-0700

Facsimile: (212)808-0844